UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/NGO/78
4 April 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 April 1996]

1. The International Indian Treaty Council addresses this agenda item with great concern for all indigenous peoples who are imprisoned for their defence of their peoples and their human rights. With more frequency and, indeed, with greater impunity, defenders of indigenous human rights, communities, religion and cultural values are persecuted and criminalized.

2. We note with great sadness the execution of Ken Saro-Wiwa by the Nigerian Government. We had some hopes for the observance of human rights with regard to this case when we addressed his imprisonment under this agenda item at the last session of this Commission. But on 10 November, Ken Saro-Wiwa and eight other Ogoni activists were executed shortly after trial before a special civil disturbances tribunal.

3. At least 19 more Ogoni activists now face identical charges as did Ken Saro-Wiwa. Due to be tried before a special civil disturbances tribunal outside the normal judicial process, there exist justifiable fears that the 19 could be unfairly tried, sentenced to death and executed without right of appeal to a higher court, just as in the case of Ken Saro-Wiwa. The Ogoni detainees have been held in harsh and unsanitary conditions in military custody and denied all proper medical treatment. This situation appears to have contributed to the death of a co-detainee, Clement Tusima, on or around 14 August 1995, apparently after months of medical neglect. Conditions in Nigeria's prisons are very poor, with high rates of malnutrition, disease and death from unsanitary conditions, inadequate food and practically no medical care.

4. We urge the Nigerian Government to release these defendants or to ensure that they be tried promptly and fairly with full rights of defence and without imposition of the death penalty. We would join with other human rights organizations in seeking assurances that the prisoners are being safeguarded from ill-treatment and health-threatening prison conditions and are being granted full access to lawyers, medical care and family visits.

5. We address the human rights of indigenous peoples detained in the Canadian province of British Columbia, as a result of the Shuswap occupation of traditional indigenous lands, occupied in order to practise their religion. The Shuswap Nation, attempting to defend their unceded, sacred Sundance grounds from the defecation of cattle, built a fence around their sacred grounds. An elder caring for those grounds was attacked by a band of cowboys, and the fence destroyed. A group of Sundancers sent to defend the grounds was surrounded by provincial police, the Royal Canadian Mounted Police and the Canadian army. This large and heavily armed governmental force set off land-mines, flares and explosions, and shot at and wounded some defenders. Federal and provincial military and police forces acted in a totally disproportionate and unjustifiable show of force meant only to intimidate the Shuswap men and women defending their right to practise their religion. Twenty-three Ts'peten Sundancers were arrested. Twenty-three defenders now face criminal charges, and two, William Jones Ignace and his son, JoJo Ignace, remain in custody. JoJo Ignace has been subjected to physical beatings and abuse.

6. These are not isolated abuses in Canada, where indigenous peoples have been arrested and face criminal charges for defending their lands. We cite as additional examples the Nuxalk Peoples, who last fall occupied Ista (Fog Creek) and King Island, to defend their lands from loggers. In the words of one woman defender, the Shuswap "... have borne witness to the relentless destruction of the land and the ongoing oppression of indigenous peoples". Fourteen Nuxalk defenders were arrested and now face criminal charges for attempting peacefully to defend their forests and sacred lands. Initially allowed bail, those arrested included three hereditary chiefs, Hereditary Chief Nuximlaye (Lawrence Pootlass), Hereditary Chief Qwatsinas (Edward Moody) and Hereditary Chief Slicxwliqw (Charles Nelson). During the arrests, traditional structures were destroyed in the presence of the Royal Canadian Mounted Police, an arm of the federal Canadian Government.

7. On Thursday, 21 March 1996 at 7 a.m., the Royal Canadian Mounted Police began raiding Nuxalk Nation territory, invading homes and rearrested some 22 of these defenders of Ista indigenous lands, without search warrants and even broke down Councillor Derrick Snow's door. They are now being detained without bail, except for one 17-year-old boy. According to Hereditary Chief Slicxwliqw (Charlie Nelson), "It is our land, and we have a right and an obligation to protect it, and no one can deny us that right." Canada considers this a "domestic" matter, yet cannot show any extinguishment papers for the Nuxalk lands or their sovereignty.

8. We call upon the Canadian Government to recognize its federal responsibility for the human rights and fundamental freedoms of the indigenous peoples of Canada. These and other incidents are not "provincial concerns", as the Canadian Government would claim, but human rights concerns that Canada, as a State Member of the United Nations and signatory to international human rights conventions, has sworn to recognize and observe.

9. In the United States, we address the case of Norma Jean Croy, convicted of aiding her brother, Hooty Croy, in a crime of which he was found innocent. Norma Jean Croy was denied parole at her last hearing, on 20 March 1996, "because of the seriousness of her offence", among other grounds. But if Hooty Croy, whom she supposedly aided in the shooting of a police officer, was declared innocent and justified by self-defence, how can her aid be an offence, much less a "serious offence"? She is not guilty of any crime, yet all State appeals in her case have been exhausted, and she remains in prison. The federal court has recently begun to review her petition for a new trial, and has set a date for an evidentiary hearing. We call upon the United States to do justice in this case and cease its persecution of this innocent indigenous woman.

10. Few, if any, States where indigenous peoples have lived since time immemorial have clean hands when it comes to the arrest and detention and persecution of indigenous peoples who courageously defend their sovereignty, lands, cultures and religion. The Universal Declaration of Human Rights may be the most basic understanding all Member States have with regard to human rights. We call upon Nigeria, Canada and the United States and all other of these Member States to begin to observe it with regard to indigenous peoples.

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/NGO/79
9 April 1996

ENGLISH ONLY

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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Association of Educators for World Peace, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 April 1996]

1. In spite of much awareness of human rights and claims by various Governments, individuals throughout the world continue to suffer for their beliefs and convictions. In this context, the attention of our organization has been drawn to the situation prevailing in Pakistan and particularly in Sindh, the southern province. It appears that the situation of human rights is worrying throughout Pakistan but Sindh, being economically vital for the rest of the country, tends to suffer more in terms of exploitation and subsequent repression against its genuine representatives and defenders.

2. The International Association of Educators for World Peace has received direct evidence and studied the reports of the Human Rights Commission of Pakistan, Human Rights International, Amnesty International, Asia Watch and others on numerous cases of human rights violations by the authorities. IAEWP has noted that the situation is further aggravated by the organized armed resistance of a linguistic minority, principally located in the urban centres of Sindh, whose aims and objectives are to struggle against the present Government as well as against the indigenous unarmed population.

3. It is further alleged that, for the sake of denouncing these abuses and trying to find a fair solution, a considerable number of Sindhis, political activists, students, intellectuals and ordinary citizens, are in prison. Some of them have been detained without trial for many years and denied proper legal and medical aid. The use of methods of interrogation ranging from intimidation, humiliation and severe beating to the hanging upside down of prisoners until a false confession is obtained and people being chained with handcuffs and leg fetters in solitary detention cells are common. Moreover, people are usually abducted, taken to unknown places of interrogation and very rarely come back alive, one reason being that they could testify about their experience.

4. Our organization was alarmed at the arrest, in November 1995, of Dr. Munawar Halepota, a Sindhi human rights activist, well known by all of us in this forum, who was detained by the Pakistan authorities for more than a month before being forcibly deported to the United Kingdom on 4 January 1996. IAEWP received a detailed account of Dr. Halepota's experience and includes in this document part of the inside story of his arrest, detention and subsequent release:

> "I was arrested on 28 November 1995, while on a private visit to Pakistan. At 11.00 p.m. in the night, my house was raided by about 50 armed men, with loaded rifles and other weapons, belonging to the police and security forces. I demanded to see the warrants of arrest but was told to get in the police vehicle without creating any problems. I was being taken to an unknown destination but I informed the arresting authorities that I hold a British passport. This stopped them in their tracks and I was taken back to the local Tando Allahyar police station. I was detained at the local police station for two days without any case registered against me.
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> "The initial FIR (First Information Report) was registered on 30 November 1995, and I was transferred to CIA (Criminal Investigation Agency) Centre in Hyderabad, where I was informed by the Superintendent of Police that uncivilized means, i.e. torture, will be used for interrogation. I was put in a cell with 11 other inmates including political activists, innocent civilians and criminals. The youngest was 14 years old and the oldest 70 years old. I witnessed them being tortured at various times. One of them was taken out of the cell. Later we learned that he had been killed in an encounter with the police, a phrase commonly used for those who are shot dead in cold blood without producing them before a court of law. A common practice in Sindh.
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> "On 4 December 1995, I was handed over to the FIA (Federal Investigation Agency) and transferred to Islamabad for further interrogation. The authorities tried to implicate me in anti-State activities, including terrorism, handling explosives, etc. which carry the death penalty. This is a common practice in Pakistan, especially against the Sindhi people, as we do not have the same rights as the rest of the population. I was kept in a cold damp room in the basement, provided only with one blanket and made to sleep on a solid concrete floor in freezing temperatures. As a result I developed a severe chest infection with very high fever, and was denied any medical aid.

"On 18 December 1995, I was transferred to the Central Prison in Rawalpindi, under judicial custody, and put in a death cell. It is a small cell, approximately 8 x 10 feet, with bars on the door and ventilators without any protection against the freezing temperatures and hardly any water for sanitation. I was kept locked up all the time, made to sleep on the concrete floor and given only a couple of blankets to protect against the freezing temperatures. My health was deteriorating. I developed severe back pain, and was still denied medical aid.

"For almost a month, I was detained incommunicado, denied any visits from my lawyers and family. At the same time my family and friends were not aware of my whereabouts, my safety or well-being. On 4 January 1996, I was taken from the Rawalpindi Jail by the FIA officials and forcibly deported to United Kingdom. I was informed that the cases against me have been dropped because of lack of evidence, but was not given anything in writing. I must thank the international community, including the Centre for Human Rights, for their intervention and efforts in saving my life."

5. IAEWP draws the attention of the Commission to the fact that the situation of human rights in Pakistan remains very alarming on many fronts which all converge ultimately on mounting terrorism and the use of methods of repression and excessive use of force by the army and security forces.

6. Since Pakistan itself advocates its efforts in trying to promote democracy and human rights, in and outside Pakistan, we would like to urge the Government of Pakistan, member of this Commission, to adopt and ratify at the earliest the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the corresponding Optional Protocols.